THE HON'BLE SRI JUSTICE B.PRAKASH RAO

WRIT PETITION No. 20824 of 1994

Date: 29.07.2005

Between:

1)Seerapu Sreeramulu Reddy

2)Seerapu Appala Reddy … Petitioners

and

1)The Commissioner of land Reforms &

Urban Land Ceilings, A.P., Hyderabad

2)The Special Officer & Competent Authority,

Urban Land Ceilings, Visakhapatnam … Respondents

ORDER:

Heard Sri K.Raghava Rao, learned senior counsel appearing for the petitioners and the learned Government Pleader for Revenue-Assignments appearing on behalf of the respondents.

The petitioners herein, who filed their declarations under the provisions of the Urban Land (Ceiling and Regulation) Act, 1976, filed this writ petition, *inter alia,* seeking to assail the orders dated 22.09.1994 passed by the first respondent-appellate authority, confirming the order dated 05.08.1982 passed by the second respondent-primary authority. Apart from several questions which have been raised on behalf of the petitioners in regard to the exclusion of the land from the holding and other benefits to which they are entitled to, the main plea raised on behalf of the petitioners is that having regard to the location of the land in question within 5 KMs from Visakhapatnam, they are entitled to the benefit as conferred in G.O. Ms. No.733, Revenue (U.O.II) Department, dated 31.10.1988. Admittedly, the petitioners did not raise this plea before either of the authorities below. Further, no such plea has also been considered by either of the authorities below even at the instance of the respondents and no reasons have been given as to why petitioners are not entitled to such benefit. In the circumstances, it is felt more desirable that the matter has to be considered afresh by the first respondent on the above aspect.

The Writ Petition is, accordingly, allowed setting aside the impugned order dated 22.09.1994 of the first respondent. No costs. The matter is remitted to the first respondent for reconsideration of the appeal, including the aforesaid plea, after giving notice and opportunity to both sides and passing orders in accordance with law. The first respondent shall dispose of the appeal within a period of two months from the date of receipt of copy of this Order.

29.07.2005

DRK

That Rule Nisi has been made absolute as above.

Witness the Hon'ble Sri Bilal Nazki, the Acting Chief Justice,

On Friday, the twenty ninth day of July two thousand and five.

…Registrar